

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

W.P.NO.8106 OF 2006

DATED 24.04.2006

BETWEEN:

G.Jangaiah ..Petitioner

And

The Special Cadre Deputy Registrar

OSD/FR 127,Charminar Co.op.Urban

Bank Ltd., Hyderabad and others Respondents

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

W.P.NO.8106 OF 2006

ORDER:

This writ petition is filed to declare the action of the

1st respondent in issuing sale notice dated 07.03.2006 in E.P.No.7 of 2004 in ARC.No.37710 of 2002 as illegal, arbitrary, violation of judgment dated 05.08.2004 in WP.No.12860 of 2004 passed by this Court and to set aside the same.

In spite of granting time to the learned Government Pleader for Co-operation to ascertain the outcome of the petition for setting aside the ex parte order, dated 15.12.2003 passed by the 7th respondent in ARCNo.37710 of 2002, he is not in a position to say whether the said petition has been disposed of or not.

The grievance of the petitioner in the present writ petition is that when the application filed to set aside the ex parte order is pending, issuance of the impugned sale notice in execution of the order in E.P.No.7 of 2004 is unjustified and contrary to the earlier order passed by this Court. This Court while disposing of the W.P.No.12860 of 2004 filed by the petitioner, seeking not to proceed with the execution petition, directed the 1st respondent to consider the application filed by the petitioner for setting aside the ex parte order and pass appropriate orders in accordance with law after giving notice to the petitioner and till such orders were passed, the respondents therein were directed not to proceed further in pursuance of the impugned notice dated 5.7.2004. As per the orders passed in the writ petition, the petitioner was called upon to pay the amount covered by E.P.No.7 of 2004.

Having regard to the direction issued by this court, it is bounden duty of the respondents to dispose of the application filed by the petitioner for setting aside the ex parte order/decreed, if not already disposed of pursuant to the order passed as referred above. Since the sale is already notified, until the said application is disposed of and order is communicated, if the sale is taken place, the same shall not be confirmed.

The writ petition is accordingly disposed of. No costs.

24-04-2006

kvrn